

ISSUE DATE: July 21, 1995

DOCKET NO. P-1657/CT-92-881

ORDER REVOKING AUTHORITY AND CLOSING DOCKET

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm
Tom Burton
Joel Jacobs
Marshall Johnson
Dee Knack

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of an Initial Application for
Authority to Provide Customer-Owned Pay
Telephone Service

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PROCEDURAL HISTORY

On September 28, 1992, the Commission issued an Order granting Telecoin Communications, Ltd. (Telecoin) a certificate of authority to provide standard pay telephone service in Minnesota.

On November 15, 1993, the Minnesota Department of Public Service (the Department) filed its Report of Investigation and Recommendation in Docket No. P-666/CT-93-1074 recommending recommended that the Commission revoke the certificates of Telecoin and seventy-one (71) other companies for non-compliance with Commission regulations.

On December 15, 1993, Telecoin contacted the Commission and assured that they would bring their filings and operation into compliance with the regulations cited in the Department's report in the future.

On January 6, 1994, the Commission issued its ORDER REVOKING CERTIFICATES OF AUTHORITY AND DIRECTING COMPLIANCE in Docket No. P-666/CT-93-2074. In this Order, the Commission excepted several companies, including Telecoin, from revocation action at that time, directed them to bring themselves into compliance with the regulations cited in the Department's November 15, 1993 report, and directed the Department to recommend appropriate action if the companies excepted from revocation failed to maintain compliance with the cited regulations.

On November 9, 1994, the Department filed a Report and Recommendation in Docket No. P-1621, 1657/PA-94-1004 recommending that the Commission revoke Telecoin's certificate of authority for transferring its assets to Peoples Telephone Company, Inc. (Peoples) without Commission approval in violation of Minn. Stat. § 237.23 (1994) and failure to maintain compliance with Commission regulations.

On November 21, 1994, the Commission issued a notice requesting comments on the

Department's recommendations.

On December 9, 1994, Telecoin and Peoples Acquisition Corporation (PAC), a wholly owned subsidiary of Peoples, filed a response alleging, contrary to what Peoples had stated in its October 25, 1994 letter, Telecoin had in fact been acquired by PAC. The response stated that PAC and Telecoin would submit their merger to the Commission for review.

On December 12, 1994, Telecoin and PAC filed a petition for Commission approval of the transfer of assets from Telecoin to PAC pursuant to Minn. Stat. § 237.23 (1994). The petition was assigned to Docket No. P-1621, 1657/PA-94-1141.

On April 18, 1995, Peoples, PAC, and Telecoin (the Companies) withdrew the December 12 petition.¹

On April 19, 1995, Peoples and Telecoin submitted a petition requesting that the Commission approve the merger of Telecoin into Peoples and the subsequent cancellation of Telecoin's certificate of authority.

On April 25, 1995, the Department and the Companies filed a stipulation as a proposed settlement of all issues in the merger investigation docket, Docket No. P-1621, 1657/PA-94-1004 .

On June 20, 1995, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

In its ORDER APPROVING SETTLEMENT in Docket No. P-1621, 1657/PA-94-1004, the Commission accepted the Stipulation and all terms of resolving that docket proposed by the parties. In the Matter of the Department of Public Service's Recommendation that the Minnesota Public Utilities Commission Issue an Order to Peoples Telephone Company, Inc. and Telecoin Communications, Ltd. Revoking Both Companies' Certificates of Authority to Operate in Minnesota, Docket No. P-1621, 1657/PA-94-1004, ORDER APPROVING SETTLEMENT (July 21, 1995). Revocation of Telecoin's certificate of authority to provide standard pay telephone service was among the Settlement terms approved.

In light of Telecoin's history of noncompliance with Minnesota statutes and regulations, as well as the fact that Telecoin has transferred all its assets to Peoples and no longer exists as an

¹ In a separate Order issued contemporaneously with this Order, the Commission has approved the withdrawal of that filing. See ORDER ALLOWING WITHDRAWAL OF FILING AND CLOSING DOCKET, Docket No. P-1621, 1657/PA-94-1141.

operating telephone company, it is appropriate, as the Settlement proposed, that Commission revoke Telecoin's certificate of authority.

So ordered.

ORDER

1. The certificate of authority granted to Telecoin Communications, Ltd. (Telecoin) in an Order dated September 28, 1992 in this docket is revoked.
2. This docket (Docket No. P-1657/CT-92-881) is hereby closed.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)